



# Lamoine Board of Selectmen

606 Douglas Hwy  
Lamoine, ME 04605  
(207) 667-2242  
town@lamoine-me.gov

## Minutes of October 1, 2009

Chair Jo Cooper called the meeting to Order at 7:08 PM

Present were: Selectmen Kermit Theall, Gary McFarland, Cynthia Donaldson, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Dale Doughty (MDOT), Joe Lacerda (MDOT), Kathleen DeFusco, Michael Jordan (Road Commissioner), Sam & Marjorie Nankervis, State Rep. Rob Eaton and Jennifer Reynolds.

**Agenda Review** – Stu said there was one item to add to the discussion with the Maine Department of Transportation (MDOT). Selectmen also agreed to move up the lease with Jennifer Reynolds to follow the MDOT discussion.

**Minutes of September 17, 2009** – Jo moved to approve the minutes as presented. Gary 2<sup>nd</sup>. **Vote in favor was 3-0 (Donaldson abstained, but submitted one minor spelling correction).**

**Expenditure Warrant 7** – Selectmen signed warrant 7 for \$13,703.46. Cynthia asked what the security item was for the fire station. Stu reported it was a camera.

**Cash & Budget Report** – There were no questions about the budget report.

**Excise Tax Report** – Stu reported that despite the cash for clunkers program, the 1<sup>st</sup> quarter of the fiscal year was the slowest in the past five years for excise tax collection.

**Meeting with MDOT** – Jo thanked Mr. Doughty and Mr. Lacerda for coming. She said she realizes that money is a problem and there are a lot of state roads in need of repair. Mr. Doughty introduced himself as the regional manager for MDOT. He said Mr. Lacerda is the crew supervisor for the area. Mr. Doughty said he has authority over operations and maintenance for the entire region which stretches from Moosehead Lake to Calais to Bar Harbor. He said it's roughly a third of the state. He said he has some influence over capital projects. He said he is the town's representative to MDOT and will be willing to meet with the town when needed.

Jo asked if Mr. Doughty does a visual assessment of the roads. Mr. Doughty said the big projects go through a 2-year cycle, just like the project on Route 1-A in Ellsworth and the project at the head of Mt. Desert Island. He said that is administered through Augusta. He said he has more control over paving. He said they were able to pave 126-miles of road in the summer of 2008. He said they were only able to do 50-to-60 miles of road this year, and the pavement was a lot thinner. He said they tried to pick the highest traffic roads. He said that type of paving typically will last about 7-years, but the amount of paving puts it on a 15-year cycle. He said the numbers don't add up.

Mr. Doughty said there are no funds for paving next summer or the year after that, but he hopes he can get some. He said the paving doesn't go very far with the large number of roads in the region.

Jo asked about traffic counters she had seen from time to time. Mr. Doughty said the traffic counts are done on a cycle and they collect data which determines what the traffic patterns are, and that helps to assess what gets paved. Jo said there appears to be a lot of commuter traffic using Mud Creek Road and Route 204, as well as traffic headed to and from Lamoine State Park. Mr. Doughty said the state park is probably why the roads in town are designated as State Highway instead of State Aid Highway. He went through the hierarchy of state road designations.

Jo said there are issues about shoulder maintenance. Mr. Doughty said there have been numerous big storms in the past few years. He said roads are designed to withstand a 50-year storm, and with repeated events in the last few years, they've spent a lot of time chasing washouts. Mr. Lacerda said he's still chasing items on Mt. Desert Island from last June's flooding and trying to catch up on shoulder work. Mr. Doughty said those storms have caused the MDOT to shift money away from routine maintenance, and washouts are a pet peeve of his. He said the eroded shoulders are dangerous, especially for small vehicles. He said they're moving on those as quickly as they can for public safety.

Jo said road rutting was raised as an issue by the plowing contractor. Sam Nankervis said the ruts are so bad they're having difficulty getting the snow out of them. Jo said there is a lot of traffic affected. Mr. Doughty said he rode the Mud Creek Road and Route 204 today and said there are crowning and rut problems. He said there are other roads in the region that have a much more severe problem. He said he understands the concern that slush can't be removed from the ruts and vehicles tend to migrate to the center of the road, especially trucks. He said the edge of the road tends to break up from the rutting and crowns. He said the MDOT takes that seriously, but it is going to be a while before they get to Mud Creek Road. He said they try to establish the appropriate crown with paving. He said maintenance activities will try to find the worst areas, and they will go out with a grader and shim up the worst areas. He said they are limited by money. There was a brief discussion about politics and safety issues.

Mr. Nankervis said the rutting is a safety issue. Jo asked how long shimming lasts. Mr. Doughty said it doesn't last very long if drainage is not fixed. He said next summer they will look again at the situation. Mr. Nankervis asked if the traffic count on Mud Creek and Route 204 is likely lower than Route 230. Mr. Doughty said the ruts were worse on Route 230. Mr. Nankervis asked if the drainage would be addressed with ditching or a grader. Mr. Doughty said they'll be coming up with next summer's work plan. Mr. Nankervis noted that in some places the shoulders are gone. Mr. Doughty said they could put a list together of places to touch up for the winter and they might be able to come in with a little equipment to get by. He urged Mr. Nankervis and Road Commissioner Mike Jordan to go over the roads and see what could be done. A short discussion followed on several sections of road.

Jo asked about intersection sweeping. Mr. Doughty said they didn't have any money to sweep until last July. He said next year they've restructured the budget so they can get out in the spring earlier to sweep. He said the area has been through several supervisors over the past several years. Mr. Doughty said the MDOT hopes to utilize

several piles of asphalt grindings and they might be able to use them on the Mud Creek Road.

Jo asked about possibly putting a traffic light at the intersection of Route 3 and Jordan River Road as well as Route 184 and Route 1. Mr. Doughty asked if anyone had been in touch with the MDOT. Kathy DeFusco said she had and gave a copy of an e-mail chain with Bruce Ibarguen to Mr. Doughty, who said maybe that could come under some federal safety funding. He said that project would go into a pool and state officials will look at the safety date and figure what they could do. He asked Stu to e-mail him the e-mail chain from Mrs. DeFusco. He urged the board to remind them of the project in the 2-year plan.

Stu asked about the 6-year plan and the inclusion of two sections of Route 184 in that plan, and what that actually means. Mr. Doughty said it would be an innovative reconstruction of those two sections of road. Kermit asked if that would take place in the next 6-years. Mr. Doughty said if the funding is there. He said it's just a plan for now, a little more than a wish list. Gary said some culverts have been replaced on Route 184, but they have not been paved over. Mr. Lacerda asked where those were located. Gary indicated where they were. Mr. Doughty said they should be paved. He noted there are changes in the driveway culvert policy. He said in the past, new culverts were purchased and installed by the landowner and maintained by MDOT, but he wasn't sure why that was the policy. He said the change in the policy is that they are not fixing humped up driveways. He said the law has changed, and they're not replacing pipes unless it's part of a project. He said if a culvert rusts out, the homeowner will have to fix it. He said the MDOT priority is the core of the road. Mr. Lacerda said they would see to it that the fix for the unpaved, replaced culverts takes place.

Jo said continued communication between MDOT and the town will be helpful. Mr. Nankervis said spot shimming would also be a big help.

**Lease with Jennifer Reynolds** – Jo asked if Ms. Reynolds had a copy of the proposed lease. Ms. Reynolds said it looked fine. She said she had lost an option to purchase an existing building so she planned to end up building her own, and transporting it to the lease site in pieces. She said it would be finally assembled on the town property. Jo asked if the mowing requirement was OK. Ms. Reynolds said it was. Stu said he had not addressed the septic system issue in the lease. Ms. Reynolds said she had a 50-gallon aquarium in which to store lobsters, but she may not need the septic for the first summer. She said she would see how it goes.

Ms. Reynolds asked about the rent payment. Stu said the lease said the payment must be received prior to May 1, 2010. There was a discussion about signage at the lease site. It was agreed the MDOT regulates off premises signs, and the Planning Board would regulate the on premises sign.

Jo moved to approve the lease with Ms. Reynolds. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.** Both Jo and Ms. Reynolds signed the lease.

**Road Commissioner Job Description** – Stu reminded the board that those attending the last meeting were fine with the latest draft. He said the document rewrites the present job description to better reflect reality. Jo asked Mike Jordan if he read the new proposal. Mr. Jordan said he had. Cynthia said she was concerned about using the word “employ” in relation to authorities the Road Commissioner had. A brief discussion followed. Jo moved to adopt the new job description. Kermit 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Policy regarding assignment of road maintenance projects** – Kermit said the policy needs to make sure that everyone is on an assignment rotation. Jo said she liked the part where annually the road commissioner comes up with a list of pre-approved contractors for filing.

Jo moved to approve the policy as written. Kermit 2<sup>nd</sup>. **Vote in favor was 4-0.** Selectmen signed the policy. There was a short discussion about work plans.

**Verizon Lease Amendment** – Jo moved to approve the proposed entrance amendment. Kermit 2<sup>nd</sup>. **Vote in favor was 4-0, Selectmen present signed the amendment.**

**Resolutions – Excise Tax** – Cynthia asked what happens if a vote on a resolve is not unanimous. She asked if such a resolution can be done with a majority. A short discussion followed. Jo noted the Board makes a decision as an entity.

Stu reported numerous towns have passed the excise tax opposition resolve. Kermit noted that it switches the tax burden from vehicle owners to property owners. Jo moved to approve the resolve. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the resolution.** A short discussion followed on what to do once the resolves are passed. Stu said he was hesitant about posting them on the town hall bulletin board while absentee ballots are now available. He said he would place them on the town website.

**TABOR II** – Stu explained briefly that the proposal would require statewide referenda for tax increases greater than a certain percentage, which could prove very costly. He said the municipal budget, should it need to increase, would be subject to the same validation type of referendum the school budget is currently subject to.

Jo moved to sign the resolve opposing TABOR II. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**School Consolidation** – Jo noted that Gordon Donaldson brought up the matter and the Board opted to table it until more members were present. Stu said he wasn't sure what stance the board would take, so he did not draw up any resolves. He said he was not aware that any other board in the state has taken a stance on the issue. Cynthia asked if there was any particular type of question that Boards should be taking a position on. A short discussion followed about school consolidation. Cynthia said she was not interested in taking a position by a resolve, but she had changed her position and she is not sure that school consolidation has been in the best interest of children. Gary noted that the cost savings that were explained when consolidation was being considered

could have been done without such a drastic change. There was no action taken to move forward with a position on the question.

Silver Star Banner Day – Cynthia said she looked over the e-mail supplied in the packet, and it looked to be legitimate. Kermit said there are other holidays that commemorate Veterans. Jo said she liked the idea and read part of the suggested proclamation. She said she didn't really study the entire matter and she was not sure if she was comfortable about moving forward as a board.

Cynthia asked if more information could be found about it. Jo said she wouldn't mind. Stu said he would do that.

**2010 State Valuation** – Stu said the information about the proposed 2010 state valuation was in the packet. Cynthia said she was fascinated by the spreadsheet Stu had prepared giving the history of property values. There was a discussion about the impacts of the state valuation and the mill rate compared to full state value.

**Pole Permits** – Selectmen signed the Bangor Hydro Electric permit approved at the previous meeting. Jo moved to sign a similar permit for FairPoint Communications. Gary 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed that permit.**

**Snowmobile Club Lease** – Stu reported he met with Charles Harding and the only question was about the requirement about notice to the town if another group uses the facility, and that was resolved. Jo moved to approve the memorandum of understanding. Kermit 2<sup>nd</sup>. **Vote in favor was 4-0, Jo signed the agreement.** Stu said Mr. Harding would be in at a later date to sign.

**Brownfields Grant Support Letter** – Jo moved to sign a letter of support to the Hancock County Planning Commission in regard to a Brownfields grant. Gary 2<sup>nd</sup>. **Vote in favor was 4-0, Jo signed the letter.**

**Transfer Station Holiday Hours** – Stu said he spoke with transfer station manager Bill Fennelly, as Christmas falls on Friday this year. He said the suggestion was that the facility be open on Saturday, December 26, 2009 from 8am to 5pm and on Monday, December 28, 2009 from 8am to 5pm, and open normally on January 1 & 2, 2010. There was no objection from the board.

**Lamoine Quarterly** – Stu noted that Jo had e-mailed corrections, and Cynthia handed in some edits earlier. He requested that any other changes arrive by mid-morning Friday as he planned to get the Lamoine Quarterly printed if possible on Friday.

**Schedule of Meetings with other boards** – Jo said she would like to lay out a regular schedule of meetings with the various boards. She said the meeting with the Planning Board at the previous meeting brought that need to light. She said it could be helpful with communications. Kermit said maybe the Planning Board meeting should be more than once a year to get some better feedback.

Jo noted that Code Enforcement Officer had suggested a special town meeting just to deal with ordinance changes which get very complicated. She said if there was a time certain every year that might be helpful. She said she felt like a date should be set.

Michael Jordan said the Planning Board has no supervisory authority over the Code Enforcement Officer. He suggested that around the annual review time, the Planning Board could provide some feedback to the Selectmen. Jo said it's important for the Planning Board to offer that feedback. A short discussion followed about meeting with the Planning Board every six months. Selectmen asked Stu to draft up a schedule of possible meetings with all boards.

**Park Kiosks** – Selectmen reviewed the final art work for the kiosks for Lamoine Beach and Bloomfield Park. Stu said they were very well done. Jo said she wanted to make sure everything was correct. She said the historical society reviewed the panels. The board was very impressed with the layout.

**Computer Backup** – Stu reported that the computer in his office blew a power supply on Tuesday, and thankfully no data was lost. He suggested backing up the computers daily on an off-site service called Carbonite. He said it cost \$55/year per computer. There was no objection from the Board.

**Subscription** – Stu said Maine Biz has been sending its newspaper to the office for the past few months as a marketing plan to sell a subscription. Jo took a copy to study to see if it would be beneficial to the town.

**Fire Trucks** – Stu reported other than an e-mail from Selectman Fennelly, there had been no cash offers for truck 402. He said the truck is not road worthy. He said the fire department would like to see the truck still be used for firefighting by another department, and that many such trucks are being given away.

Stu reported that there was some damage to Tanker 404 caused when he struck the ladder of an Ellsworth Fire truck with the mirror of the Lamoine Truck. He said Mike and Matt Jordan had pounded the door back into shape, but there is still a crease in it.

**Other** – Cynthia said she appreciated the list of businesses compiled by Stu and in the packet.

Kermit reminded the board that a policy regarding 2<sup>nd</sup> jobs for part time employees was discussed and should be drafted up.

**Next meetings** – Jo read the list of next meetings as follows:

- a. October: 10/15/09
- b. November: 11/5/09, 11/19/09
- c. December: 12/3/09, 12/17/09
- d. January: 1/7/10, 1/21/10
- e. February: 2/4/10, 2/18/10

**Budget Workshop – Town Meeting Date** – Jo moved to set April 6, 2010 as the town meeting election date, and April 7, 2010 as the open town meeting date. Kermit 2<sup>nd</sup>.  
**Vote in favor was 4-0.**

The Board opted to adjourn the meeting and enter into a budget workshop at 9:08 PM without objection.

Respectfully submitted,

Stu Marckoon, Adm. Asst.

C:\Documents and Settings\stu\My Documents\2009 Documents\Boards\Selectmen\Minutes\Selectmen Minutes 10-1-09.doc